

Message Text

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ACTION SS-25

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TO SECSTATE WASHDC IMMEDIATE 3331

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TAGS: PARM, UR, US

SUBJECT: TTBT/PNE NEGOTIATIONS: MEETING WITH TIMERBAYEV MAY 3:

PNE MESSAGE NO. 255

REF: (A) STATE 103976 (B) STATE 095982

1. EMBOFF (JOYCE) MET WITH TIMERBAYEV MAY 3 TO CONVEY, PER REF A, APPROVAL FOR INCLUSION OF PHRASE "IN ACCORDANCE WITH PARAGRAPH 2 OF ARTICLE III" IN PROTOCOL ARTICLE V PARA 3(A), TIMERBAYEV ALSO AGREED TO REMOVAL OF COMMA AFTER "ARTICLE III" IN PROTOCOL ARTICLE V PARA 6(D).

2. TIMERBAYEV IN TURN SUGGESTED THE FOLLOWING CHANGES:
(A) HE SAID THAT IN THE INTRODUCTORY PARAGRAPH TO THE AGREED STATEMENT THE PRESENT LANGUAGE DID NOT MAKE CLEAR WHO "THE PARTIES" ARE. HE ADMITTED THAT SIMILAR FORMULATIONS HAVE BEEN USED BEFORE, FOR EXAMPLE IN THE ABM AGREEMENT, BUT SAID THAT PERHAPS A BETTER APPROACH MIGHT BE FOUND. ONE WAY, HE SAID, WOULD BE TO PUT THE SENTENCE IN PASSIVE VOICE: "IT WAS AGREED..." OR "AN UNDERSTANDING WAS REACHED...". A FURTHER POSSIBILITY WOULD BE TO CHANGE THE PRESENT SENTENCE AROUND TO READ "THE PARTIES TO THE TREATY BETWEEN THE UNITED STATES OF AMERICA AND THE UNION OF SOVIET SOCIALIST REPUBLICS ON UNDERGROUND NUCLEAR EXPLOSIONS FOR PEACEFUL PURPOSES, HEREINAFTER REFERRED

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TO AS THE TREATY, AGREE THAT UNDER PARAGRAPH 2(C) OF ARTICLE

III TO THE TREATY:...". (THE RUSSIAN WOULD BE TRANSPOSED IN THE SAME MANNER: "STORONY DOGOVORA MEZH DU...; MIRNYKH TSELYAKH, NIZHE IMENUYEMOGO DOGOVOROM, SOGLASHAYUTSYA, CHTO, SOGLASNO PODPUNKTU 2 C) STAT'YI DOGOVORA:...".)

(B) TIMERBAYEV SAID HIS LEGAL ADVISERS POINT OUT THAT IT WAS THE PROTOCOL TO THE TTBT WHICH DESIGNATED TEST SITES, AND NOT THE TTBT ITSELF. THE LANGUAGE IN SUBPARA (A) OF THE AGREED STATEMENT SHOULD REFLECT THIS FACT, HE SAID, AND SUGGESTED THAT IT BE CHANGED TO READ "SPECIFIED IN ACCORDANCE WITH THE PROTOCOL TO THE TREATY...". (THE RUSSIAN WOULD BE "OBOZNACHENNYKH V SOOTVETSVIYI S PROTOKOLOM K DOGOVORU...".)

(C) FURTHER, TIMERBAYEV ASSERTED THAT IN TREATY ARTICLE V PARA 2 THE WORD "REGULATIONS" SHOULD BE CAPITALIZED. EMBOFF ARGUED THAT TO CAPITALIZE THE WORD WOULD BE TO IMPLY THAT REGULATIONS ALREADY EXISTED. TIMERBAYEV REACHED FOR THE SALT I TREATY, AND POINTED OUT THAT THE WORD "REGULATIONS" FOR THE SCC WAS CAPITALIZED, EVEN THOUGH THEY HAD NOT EXISTED AT THE TIME OF SIGNING OF THAT TREATY.

(D) FINALLY, TIMERBAYEV AGAIN RAISED, BUT DID NOT PUSH, THE QUESTION OF THE DATE IN TREATY ARTICLE I PARA 2. EMBOFF REPLIED, PER REF B, THAT IF TIMERBAYEV FELT STRONGLY ABOUT THE ISSUE HE WOULD TRANSMIT TIMERBAYEV'S ARGUMENTS TO WASHINGTON FOR COMMENT. TIMERBAYEV DEMURRED, SAYING THAT HE COULD AGREE TO LEAVE IT IN IN THE PRESENT FORMAT FOR THE TIME BEING, BUT THAT HE WOULD NOT EXCLUDE THE POSSIBILITY OF A SOVIET REQUEST FOR NEW LANGUAGE BEFORE FINAL PERMISSION FOR INITIALING AND SIGNATURE IS GIVEN.

3. EMBOFF INFORMED TIMERBAYEV THAT THE EMBASSY HAD RECEIVED PERMISSION TO START ENGROSSING THE TEXTS, THOUGH WE REALIZED THAT STARTING THIS EARLY MIGHT REQUIRE SOME RETYPING. TIMERBAYEV SAID HE HAD NOT YET RECEIVED PERMISSION TO TAKE THAT STEP, BUT HE WOULD SEE IF HIS PEOPLE COULD PERHAPS BEGIN THE WORK ON THE SAME BASIS. WHEN EMBOFF ASKED FOR SOVIET TREATY PAPER FOR ONE OF THE ENGLISH LANGUAGE COPIES, TIMERBAYEV SAID HE WOULD SEE IF THAT COULD BE ARRANGED. COMMENT: TIMERBAYEV IMPLIED THAT HE WOULD PREFER TO WAIT UNTIL HE HIMSELF HAS PERMISSION TO BEGIN ENGROSSING BEFORE HE GIVES US

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SOVIET TREATY PAPER. END COMMENT.

4. WE WILL BE POUCHING TO ACDA/NWT EVENING OF MAY 4 (NEXT OUTGOING POUCH) A CLEAN COPY OF THE ENGLISH TEXTS INCORPORATING ALL CHANGES AGREED TO WITH TIMERBAYEV SINCE DEPARTURE OF THE PNE DELEGATION. IF A CLEAN VERSION OF THE RUSSIAN TEXT IS AVAILABLE BY THEN THAT WILL BE INCLUDED AS WELL.

STOESSEL

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